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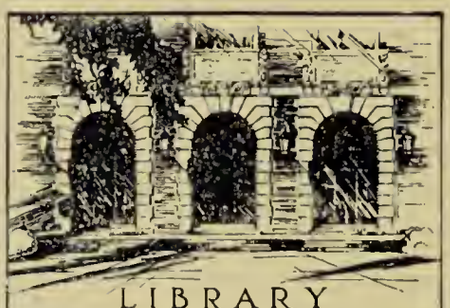
CHARTER OF THE CITY

OF BEARDSTOWN



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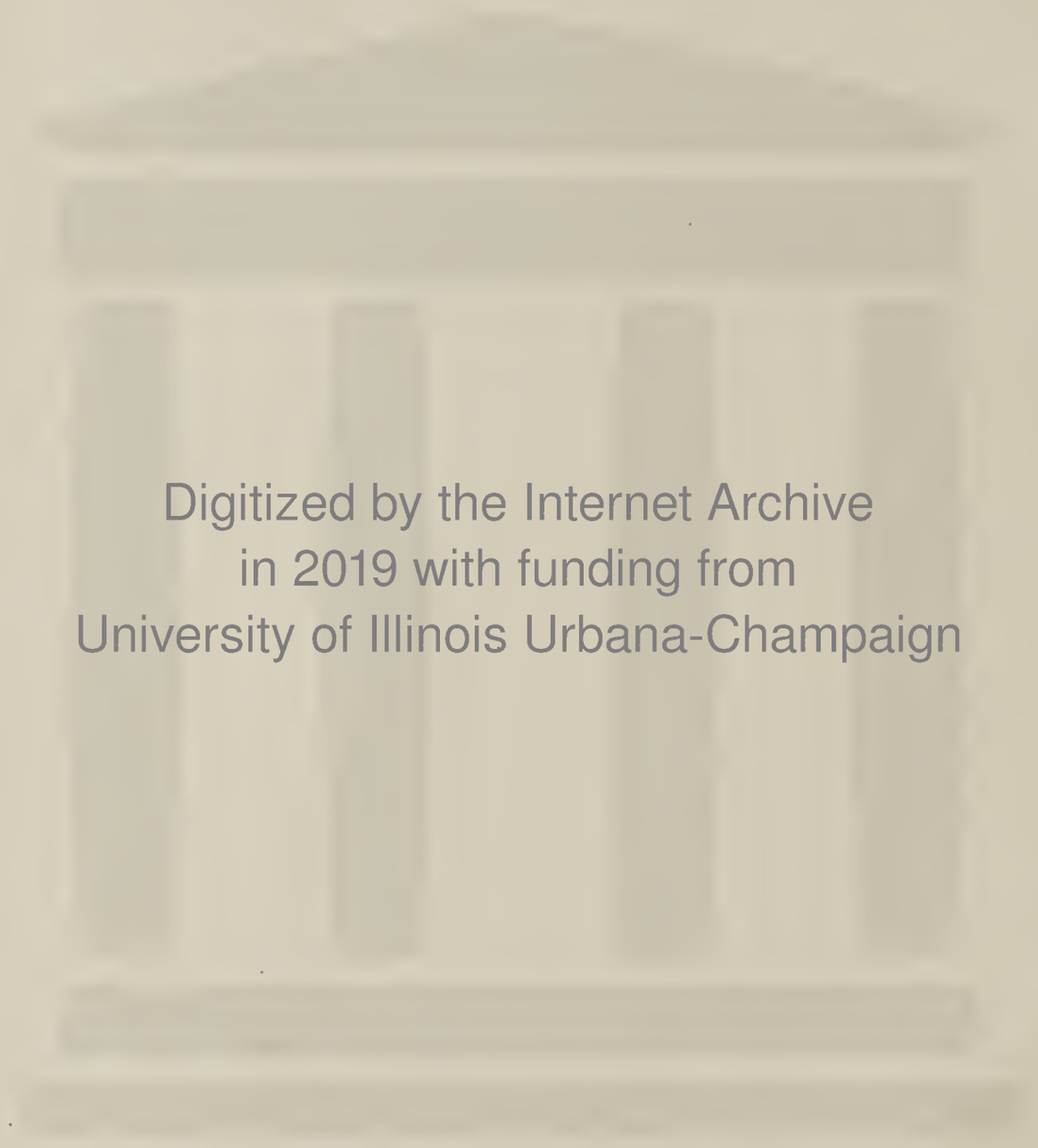

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November - 1898

CHARTER

OF

THE CITY

OF

BEARDSTOWN,

CASS COUNTY, ILLINOIS.

CORPORATION ORGANIZED

IN

1850.

[Published by order of the City Council.]

BEARDSTOWN:

PRINTED AT THE "GAZETTE OFFICE,"

1851.

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CHARTER OF THE CITY OF BEARDSTOWN.

ARTICLE I.

1. The City of Beardstown having been incorporated, under the general law, passed February 10, 1849, possesses all the powers authorized under the laws, and amendatory acts incorporating either of the cities of Springfield or Quincy.

2. The boundaries of the City of Beardstown, are the same that constituted the boundaries of the Town of Beardstown.

3. The boundaries of any city incorporated under the General Law, may include one mile square, and any tract of land adjoining, laid off into town lots and duly recorded as required by law, and any tract of land adjoining said City with the consent of the owner thereof, within the limits of one half mile from the boundary of said city.

4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever: to purchase, receive, and hold property, real and personal, beyond the city for burial grounds, or for other public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of the city; and to improve and protect such property, and to do all other things in relation thereto as natural persons.

ARTICLE II.

Of the City Council.

Sec. 1. There shall be a city council, to consist of a Mayor and Board of Aldermen.

Sec. 2. The Board of Aldermen shall consist of two members from each ward, to be chosen by the qualified voters for two years.

Sec. 3. No person shall be an Alderman, unless at the time of his election he shall have resided six months within the limits of the city, and shall be at the time of his election twenty-one years of age, and a citizen of the United States,

SEC. 4. If any alderman shall after his election remove from the ward for which he is elected, or cease to be a freeholder in said city, his office shall be thereby vacated.

SEC. 5. At the first meeting of the city council, the aldermen shall be divided by lot into two classes, the seats of those of the first class be vacated at the expiration of the first year; and of the second class, at the expiration of the second year, so that one-half of the board shall be elected annually.

SEC. 6. The city council shall judge of the qualifications, elections, and returns of their own members, and shall determine all contested elections.

SEC. 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

SEC. 8. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two thirds of the members elected expel a member.

SEC. 9. The city council shall keep a journal of its proceedings, and from time to time publish the same, and the yeas and nays, when demanded by any member present shall be entered on the journal.

SEC. 10. No alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected.

SEC. 11. All vacancies that shall occur in the Board of Aldermen shall be filled by election.

SEC. 12. The Mayor and each Alderman, before entering upon the duties of their office shall take and subscribe an oath "that they will support the Constitution of the United States, and of this State, and that they will well and truly perform the duties of their office to the best of their skill and abilities."

SEC. 13. Whenever there shall be a tie in the election of Aldermen, the judges of election shall certify the same to the Mayor, who shall determine the same by lot in such manner as shall be provided by ordinance.

SEC. 14. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance.

ARTICLE III.

OF THE CHIEF EXECUTIVE OFFICERS.

Sec. 1. The chief Executive officer of the city shall be, a Mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

Sec. 2. No person shall be eligible to the office of Mayor, who shall not have been a resident of the city for one year next preceding his election or who shall

be under twenty-one years of age, or who shall not at the time of his election be a citizen of the United States.

Sec 3. If any Mayor shall, during the time for which he shall have been elected, remove from the city his office shall be vacated.

Sec. 4. When two or more persons shall have an equal number of votes for Mayor the judges of the election shall certify the same to the city council who shall proceed to determine the same by lot, in such manner as may be provided by ordinance.

Sec. 5. Whenever an election of Mayor shall be contested, the city council shall determine the same in such manner as may be prescribed by ordinance.

Sec. 6. Whenever any vacancy shall happen in the office of the Mayor it shall be filled by election.

ARTICLE IV.

Of Elections.

Sec. 1. On the third Monday of February of each year, there shall be an election held for one Mayor for the city and one Alderman for each ward.

Sec. 2. All free white male inhabitants, over the age of twenty-one years, who are entitled to vote for State officers, and are actual residents of said city shall be entitled to vote for city officers: Provided, that said voters shall give their votes for Mayor and Aldermen in the wards in which they respectfully [ively] reside, and in no other, and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward where the same is offered, at least ten days next preceding such election.

ARTICLE V.

Of the Legislative powers of the City Council.

Sec. 1. The city council shall have powers and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance not repugnant to the Constitution of the United States and of this State.

Sec. [2.] The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisors of streets and all such other officers as may be necessary.

Sec. 3. The city council shall have power to require of all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices before entering upon the discharge of the same. To establish, support, and regulate common schools, to borrow money on the credit of the city; Provided, That no sum or sums of money shall be borrowed at a greater interest than at six per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one half of the city revenue arising

from taxes, assessed on real property within the limits of the corporation.

Sec. 4. To appropriate money and provide for the payment of the debt and expenses of the city.

Sec. 5. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.

Sec. 6, To establish hospitals, and make regulations for the government of the same.

Sec. 7. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.

Sec. 8. To provide the city with water, to erect hydrants and pumps in the streets for the convenience of the inhabitants.

Sec. 9. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes and alleys.

Sec. 10. To establish, erect, and keep in repair, bridges.

Sec. 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require.

Sec. 12. To provide for lighting the streets and erecting lamp posts.

Sec. 13 To establish, support, and regulate night watches.

Sec. 14. To erect market houses, establish markets, and market places, and provide for the government and regulation thereof.

Sec. 15. To provide for erection of all needful buildings for the use of the city.

Sec. 16. To improve and preserve the navigation of the Illinois river within the limits of the city.

Sec. 17. To erect, repair and regulate public wharves and docks, to regulate the erection and repair of private wharves, and the rates of wharfage thereat.

Sec. 18. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for the wagonage and cartage and drayage of property.

Sec. 19. To license and regulate porters, and fix the rates of porterage.

Sec. 20. To license, tax and regulate theatrical, and other exhibitions, shows, and amusements.

Sec. 21. To tax, restrain, prohibit, and suppress tippling houses, dram shops, and gaming houses, and bawdy and other disorderly houses.

Sec. 22. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Sec. 23. To regulate or prohibit the erection of wooden buildings in any part of the city.

Sec. 24. To regulate the fixing of chimneys, fix the fees [dues] therefor [thereof,] and stove pipes.

Sec. 25. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

Sec. 26. To regulate and order parapet walls and partition fences.

Sec. 27. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.

Sec. 28. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

29. 29. To provide for the inspection and weighing of hay and stone-coal, the measuring of charcoal, firewood and other fuel to be sold or used within the city.

Sec. 30. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal, and whiskey in barrels.

Sec. 31. To regulate the inspection of butter, lard, and other provisions.

Sec. 32. To regulate the weight, quality and price of bread to be sold and used in the city.

Sec. 33. To regulate the size of bricks to be sold or used in the city.

Sec. 34. To provide for the taking enumerations of the inhabitants of the city.

Sec. 35. To regulate the election of city officers and provide for removing from office any person holding an office created by ordinance.

Sec. 36. To fix the compensation of all city officers, and regulate the fees of of jurors, witnesses and others, for services rendered under this act, or any ordinance.

Sec. 37. To regulate the police of the city; to impose fines and forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

Sec. 38. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act so that such ordinance be not repugnant to nor inconsistent with the constitution of the United States or of this State.

Sec. 39. The style of the ordinances of the city shall be, "Be it ordained by the city council of the city of Beardstown."

Sec. 40. All ordinances passed by the city council, shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.

Sec. 41. All ordinances of the city may be proven by the seal of the corporation, and when printed and published in book or pamphlet form and purporting to be published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Sec. 42. The city council shall have powers by ordinance, to levy and collect a special tax on the owner or owners of lots on any street, lane, avenue or alley,

within said city, for the purpose of grading and paving the side-walks in front of their respective lots and keeping the said side-walks in repair, and for the purpose of lighting such street, lane, avenue or alley.

Sec. 43. The city council of said city shall have powers to provide for enclosing, improving, and regulating all public grounds within the city, and for the punishment of injuries or damage done to trees, buildings or other improvements thereon.

Sec. 44. The city council shall have powers to license, tax and regulate auctioneers, merchants and retailers, groceries, taverns, ordinaries, and all places where fermented liquors are sold, and the vendors of the same, hawkers, pedlars, brokers, pawnbrokers, and money changers.

Sec. 45. The city council shall have exclusive powers, within the city, by ordinance to license, regulate and restrain the keeping of ferries and to suppress and restrain billiard tables and the sale of lottery tickets.

Sec. 46. The city council shall have powers to open, widen, or alter a street, lane, avenue or alley, only when the same shall be petitioned for by the owners of the major part of the part of all the property in the block and on the street, lane, avenue or alley proposed to be opened, widened or altered.

Sec. 47. The city Marshal shall by virtue of his office, be constable, with powers to serve process and do all acts that constables may lawfully do, and shall receive the same fees as are allowed to other constables by law; and the Marshal shall be elected by the voters resident within the incorporated limits of the city, who are qualified to vote for Mayor of said city, at the same time and in the same manner that the mayor is elected; and he shall hold his office for the same length of time said Mayor holds his office; and shall before entering upon the discharge of the duties of his office, execute a bond as constable, and file it in the office of the Clerk of the County Court, in like manner as other constables are required to do by law, and take the same oath, as other constables are required by law to take.

Sec. 48. The city council shall have powers to provide by ordinance, that every person against whom any judgment may hereafter be recovered, in favor of said city for a penalty or fine for a breach of any ordinance, instead of being commited to jail may be required to labor on the streets until the whole fine and costs shall be paid, at the same rate per day as may be allowed as a forfeiture for a failure to perform street labor under the direction of the street supervisor.

Sec. 49. The city council may have powers to declare what shall be a nuisance and to prevent and remove the same as much as one half mile beyond the limits of the Corporation, with full powers to impose a fine for a violation of any ordinance to that effect.

Sec. 50. Whenever it may be necessary to pave or grade any street or front lot, or to fill up or alter any lot that may be declared to be a nuisance, the city council may have powers, upon the failure of the owners of any lot to pave, grade, or fill up said lot, or to pay the taxes or fine that may be assessed on the owner or owners thereof, to require that said lot, or so much thereof as may be necessary, shall be sold for the payment of the tax or fine or costs, in the manner authorized for the collection of other taxes, and all assessments so made, shall constitute a lien on said lot.

Sec. 51 The city, in the corporate name, may purchase, receive, and hold real estate beyond their corporate limits, for the purpose of burying grounds.

Sec. 52. Whenever the city authorities may wish to have the taxes, authorized to be levied under and by virtue of the law, collected by the County Collector, upon filing a certificate of the rate authorized under the authority of the Corporation, in the office of the Clerk of the County Court, it shall be the duty of the Collector of taxes for the State and County to collect the taxes for said city, upon the assessment of the value of all the property within the limits of said corporation, as ascertained by the assessment for State and County purposes, and enforce the payment thereof, in the same manner. and with all the rights, power and authority as he has to collect State and County taxes, and shall pay the same over to the order of the corporate authorities at the same time he is required to pay over the County Revenue. And the Court of the proper county, shall render judgment and order sale of any lot or tract for the non-payment of the tax and costs due said city, or as may be provided for State and County taxes: and judgment and sale shall be rendered for the aggregate amount due for County and State & City taxes. The same compensation shall be paid for collecting as is paid for collecting State and County taxes, to be paid by the City, and the Collector shall be liable on his bond for taxes collected.

Sec. 53. The city shall not be exempt from the payment of a county tax nor be required to support the paupers.

ARTICLE VI.

Of the Mayor.

Sec. 1. The Mayor shall preside at all meetings of the city council, and shall have a casting vote and no other: in case of non-attendance of the Mayor at any meeting, the Board of Aldermen shall appoint one of their own members chairman who shall preside at that meeting.

Sec. 2. The Mayor or any two aldermen may call special meetings of the city council.

Sec. 3. The Mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished; he shall from time to time communicate to the aldermen such information, and recommend all such measures, as in his opinion may tend to the improvement of the finance, the police, the health, security, comfort and ornament of the city.

Sec. 4. He is hereby authorized to call on every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances: and in case of riot to call out the militia to aid him in suppressing the same, or in carrying into effect any law or ordinances, and any person who shall not obey such call shall forfeit to the said city a fine not exceeding five dollars.

Sec. 5. He shall have power whenever he may deem it necessary, to require of any of the officers of the said city an exhibit of his books and papers.

Sec. 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Sec. 7. He shall be commissioned by the Governor as a justice of the peace for said city, and as such shall be a conservator of the peace in the said city, and shall have power and authority to administer oaths, issue writs and processes under the seal of the city. To take depositions, the acknowledgement of deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the city which shall be good and valid in law.

Sec. 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases within the limits of the city arising under the laws of the State, and shall receive the same fees and compensation for his services in similar cases,

Sec. 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city in and over all places within five miles of the boundaries of the city for the purpose of enforcing the health and quarantine ordinances and regulations thereof, and

Sec. 10. He shall receive for his services such salary as shall be fixed by an ordinance of the city.

Sec. 11. In case the Mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the Circuit Court of Cass county, and on conviction he shall be fined not more than two hundred dollars, and the court shall have power on the recommendation of the jury to add to the judgement of the court that he be removed from office.

ARTICLE VII.

Proceedings in Special Cases.

Sec. 1. When it shall be necessary to take private property for opening widening or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor to the person whose property is so taken, and if the amount of such compensation cannot be agreed on, the Mayor shall cause the same to be ascertained by a jury of six disinterested free holders of the city.

Sec. 2. Where the owners of all the property on a street, lane, avenue, or alley, proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen, or alter such street, lane, avenue, or alley, upon condition to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue, or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

Sec. 3. All jurors empannelled to enquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening, or altering any street, lane, or alley, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, and signed by [each) juror.

Sec. 4. In ascertaining the amount of compensation for property taken for opening, or widening, or altering any street, lane, avenue, or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening, or altering such street, lane, avenue, or alley.

Sec. 5. The Mayor shall have power for good causes shown within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside and cause a new inquest to be made.

Sec. 6. The city council shall have power by ordinance to levy and collect a special tax on the holders of the lots in any street, lane, avenue, or alley, or part of any street, lane, avenue, or alley, according to their respective fronts owned by them for the purpose of paving and grading the side-walks, and lighting such streets, lane, avenue or alley,

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ARTICLE VIII.

Miscellaneous Provisions.

Sec. 1. The inhabitants of the city of Beardstown, are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

Sec. 2. The city council shall have power for the purpose of keeping the streets, lanes, avenues and alleys in repair to require every male inhabitant in said city over twenty-one years of age to labor on said streets, lanes, avenues and alleys not exceeding three days in each and every year; and any person failing to perform such labor when duly notified by the supervisor shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

Sec. 3. The city council shall have power to provide for the punishment of offenders by imprisonment in the county or city jail in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Sec. 4. The city council shall cause to be published annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Sec. 5. Appeals shall be allowed from decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the Circuit Court of Cass county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the Circuit Court, under the law of this State.

Sec. 6. Whenever the Mayor shall absent himself from the city, or shall resign, or die, or his office shall be otherwise vacated, the Board of Aldermen shall immediately proceed to elect one of their number president, who shall be Mayor PRO. TEM.

Sec. 7. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity, in this State, without proof.

Sec. 8. All acts or parts of acts coming within the provisions of this charter, or contrary to, or inconsistent with its provisions, are hereby repealed.

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ERRATTA.

☞In Article 5th Section second, the word 'Marshal,' should be omitted.

Also, in Section third, it should read as follows:—"The city council shall have power to require of all officers appointed in pursuance of this charter, bonds with penalty and security for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices before entering upon the discharge of the same. To establish, support, and regulate common schools, to borrow money on the credit of the city; PROVIDED, That no sum or sums of money shall be borrowed at a greater interest than at six per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one half of the city revenue arising from taxes, assessed on real property within the limits of the corporation."

CITY ORDINANCE---NO I.

Be it ordained by the City Council of the city of Beardstown, that all ordinances and resolutions heretofore passed by the President and Trustees of the town of Beardstown, shall remain in force until the same shall have been repealed by the City Council,—and be it further ordained, That all actions, fines, penalties and forfeitures which have accrued to the President and Trustees of the town of Beardstown, shall be vested in, and prosecuted by the City Council.

This ordinance to be in force from and after publication.

APPROVED, APRIL 5, 1850.

J. A. ARENZ, *Mayor.*

S. Emmons, Clerk.

ORDINANCE,--NO. II.

TO REGULATE THE POLICE OF THE CITY OF BEARDSTOWN AND FOR OTHER PURPOSES.

Sec. 1.—Gaming houses prohibited—penalty,
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Sec. 3. Hallowing, shouting, &c., prohibited in any house, and penalty for permitting the same.
Sec. 4. Persons hallowing, shouting, &c. punished.
Sec. 5. Discharge of fire arms, &c. prohibited; penalty.
Sec. 6. Making and kindling of fires prohibited—penalty.
Sec. 7. Indecent exhibitions and immoderate riding and driving, prohibited—penalty.
Sec. 8. Horses or vehicles of any kind not permitted upon the sidewalks—penalty.
Sec. 9. Waggons, carriages, &c. not to be placed so as to obstruct streets or alleys penalty.
Sec. 10. Horses or other animals not to be left unhitched in the streets—penalty.
Sec. 11. Injuries to any public property prohibited—penalty.
Sec. 12. Horses or other animals not to be fastened to shade trees, &c. penalty.

SECTION 1—Be it ordained by the City Council of the city of Beardstown, That no person shall by himself, herself, servant or agent, for his or her gain or profit, keep, have, exercise or maintain a common gaming house, table, room or place whatsoever, within the limits of said city; and every person so offending shall forfeit and pay for the use of said city, the sum of fifty dollars for each and every offence.

SEC. 2. Be it further ordained, That no person, in any house or place occupied by him or her, within the limits of said city, shall procure or permit any persons

to frequent or come together, at any time, to play for money or other valuable thing at any game; and every person so offending shall forfeit and pay, for the use of the said city, the sum of twenty-five dollars for each and every offence.

Sec. 3. Be it further ordained, That no person shall suffer hallowing, shouting, bawling, screaming, profane or obscene language, fighting, whooping, or quarreling, or any other unusual noises or sounds, in his or her house in such manner as to disturb the neighborhood, or those passing through the streets; and every person so offending shall forfeit and pay, for the use of said city, not less than two dollars, nor more than five dollars for the first offence, and for every subsequent offence, not less than five dollars, nor more than ten dollars; and if the person, so offending, be the keeper of a house licensed by said city, such person shall, upon a third conviction, incur a forfeiture of his license.

Sec. 4. Be it further ordained, That no person shall halloo, shout, bawl, scream, use profane or obscene language, whoop, quarrel, or make any unusual noise or sound, in any house, or in any part of said city, in such manner as to disturb the good people of the neighborhood, or those passing through the streets; and every person so offending shall forfeit and pay, for the use of said city, not less than two dollars, nor more than five dollars for the first offence, and for every subsequent offence, not less than five dollars, nor more than ten dollars.

Sec. 5. Be it further ordained, That no person shall, within the limits of said city, fire or discharge any cannon, musket, rifle, fowling-piece, or other fire arms, or air gun, except in cases of necessity, or in the performance of a public or lawful act of duty, or discharge or set off any cracker, rocket, torpedo, squib, or other fire works, within the limits of said city, without permission first obtained from the Mayor, or one of the Aldermen, or Marshal of said city; and every person so offending shall forfeit and pay, for the use of said city, not less than one dollar, nor more than three dollars, for every such offence.

Sec. 6. Be it further ordained, That no person shall in any of the streets, or alleys of said city, or upon the public square therein, make or kindle any fire, without first having obtained permission as provided in the preceeding section; and every person so offending shall forfeit and pay, for the use of said city, not less than one dollar, nor more than ten dollars for every such offence.

Sec. 7. Be it further ordained, That no person shall make or cause to be made, within the limits of said city, any indecent exhibition of himself, or of any horse or other animal; or shall, within said limits, immoderately ride or drive, or cause to be rode or driven, any horse or other animal; and every person so offending shall forfeit and pay, for the use of said city, not less than five dollars, nor more than ten dollars, for every such offence.

Sec. 8. Be it further ordained, That no person shall be permitted to place any horse or other beast of burthen, or vehicle of any kind, upon any side walk in said city; or to ride or drive thereon; or to propel, haul or carry thereon, any wheel-barrow, hand-cart, or other article used for carrying any heavy burthen; and any perron so offending shall forfeit and pay, for the use of said city, the sum of five dollars for every such offence.

Sec. 9. Be it further ordained, That all drays, carts, waggons, or carriages of any description, laden or unladen, unemployed or when making temporary stoppages in the streets, shall be placed by the driver thereof on either side of the street lengthways close to the curb-stones or curb-timbers, or in such a position that the centre of the street may be kept open and free for all vehicles going to and fro; but no such vehicle shall be placed in any street or near the intersection of any street or alley, in such manner as to cross the footway, or prevent a free passage in such footway, street or alley; and every person neglecting to place said vehicle as herein directed shall forfeit and pay, for the use of said city, not less than one dollar, nor more than three dollars for every such offence.

Sec. 10. Be it further ordained, That no person shall leave a horse or horses, mule or mules, either attached to a vehicle or not, standing in the streets without hitching them to some post or other thing used for this purpose, or if attached to any vehicle, without first unhitching the traces and fastening the reins securely either to a post or to the waggon, carriage or vehicle, so as to prevent their running away and hazarding the lives, and limbs or property of the citizens; and every person so offending shall forfeit and pay, for the use of said city, not less than one dollar, nor more than five dollars, for every such offence.

Sec. 11. Be it further ordained, That no person shall walk or run upon the capping of the fence around the public square, or in any wise injure or deface said fence, or any tree or trees standing and growing upon the Public Square or side-walk, or injure or deface any other property belonging to said city ; and every person so offending shall forfeit and pay, for the use of said city, not less than one dollar, nor more than one hundred dollars, for every such offence.

Sec. 12. Be it further ordained, That no person shall hitch or fasten any horse, or other animal to any shade tree growing along any side walks, or to the boxing placed around such tree, or to the fence of the public square; and every person so offending shall forfeit and pay, for the use of said city, not less than one dollar, nor more than five dollars.

This Ordinance to be in force from and after publication.

Apporoved April 5, 1850.

J. A. ARENZ, Mayor.

S, Emmons, Clerk:

CITY ORDINANCE—No. 3.

IN RELATION TO WARDS, ELECTIONS, CITY OFFICERS, REVENUE, NUISANCES, AND STREETS AND ALLEYS.

ART. 1.—WARDS.

Sec. 1. Be it ordained by the City Council of the City of Beardstown, That the City of Beardstown be divided into three Wards, as follows—

The First Ward shall consist of so much of the City as lies North and East of Jefferson Street.

The Second Ward shall consist of so much of the City as lies between Jefferson and Lafayette Streets.

The Third Ward shall consist of so much of the City as lies South and West of Jefferson Streets.

ART. 2d.—ELECTIONS.

Sec. 1. Be it ordained by the City Council of the city of Beardstown, That there shall be appointed by said City Council, before every election of said City, three Judges of Election for each Ward, who shall be legal voters therein, to preside at such election in their respective Wards and shall be authorized to appoint two Clerks of Election, who shall also be legal voters of such Ward; and the Clerk of the City Council shall give notice of the time and place of holding such election, which notice shall be published in the city newspaper at least 20 days previous to such election, or shall be posted up by the city Marshall at least 10 days before such election, at 3 public places in each Ward.

Sec. 2. All voting at the Ward Elections shall be by ballot.

Sec. 3. The Judges of Election shall make out and transmit sealed returns of Election in each Ward, to the City Clerk, by 12 o'clock, M. on the day succeeding the day of election.

Sec. 4. Should any of the Judges of Election refuse or neglect to act at the time of opening the polls, their places may be supplied in the manner provided in the general election law of the State of Illinois, in such a contingency.

Sec. 5. All City elections shall be conducted, except so far as is otherwise provided by ordinance, according to the provisions of the general election law of the State of Illinois.

Sec. 6. The Judges and Clerks of election shall be entitled to the compensation of one dollar per day.

ART. 3d.—CITY OFFICERS.

Sec. 1. There shall be appointed annually, by the city Council, and as often as a vacancy may occur, the following city officers, to wit:—A Clerk, a Treasurer,

a Supervisor, a city Weigher and a Sexton,—and each of said officers shall be removable at the pleasure of the city Council.

Sec. 2. It shall be the duty of the clerk to attend all meetings of the city Council, and keep a fair journal of their proceedings, and of all ordinances which they may make; he shall carefully preserve all books, records and papers which may come to his possession, belonging to the city, and do and perform all other duties that may be required of him.

Sec. 3. It shall be the duty of the Treasurer to keep a full record of all the financial transactions of the City; to receive all moneys belonging to the city, and be responsible for the same; to keep a regular and fair account of all monies received and disbursed by him, shewing the date of the receipt and disbursement thereof, of whom received, to whom paid, and on what account. To keep and preserve all books, bonds, and vouchers, papers and accounts belonging to the city which may come to his possession, subject at all times to the examination of any member of the city Council or other person interested. He shall at the end of every six months, and oftener if required, exhibit to the city Council an account of monies received and disbursed: he shall pay orders according to their priority of dates, and shall not pay out any money except upon the production to him of the order of the Mayor, attested by the clerk: and at the end of each fiscal year he shall furnish a full and complete statement of all monies received and paid out during the year.

Sec. 4. The City Marshall is authorized and required to execute all writs and process which may be issued by the Mayor, and to arrest on view all persons who may violate the ordinances of the city, and to collect all fines, forfeitures and penalties which may be assessed or recovered for the use of the City and shall be allowed such fees as are allowed to constables in similar cases.

Sec. 5. It shall be the duty of the City Weigher to have the custody of the weighing scales and apparatus belonging to the city, and keep the same in repair: to cause all ordinances, relative thereto and the inspection and weighing of hay and coal to be strictly observed, and to do and perform such other duties as shall be required by ordinance; he shall at all times give a written or printed certificate of the thing weighed, containing the description, the weight, date and the name of the applicant and is authorized, to demand and receive from the applicant fifteen cents for weighing each carriage and load, or for weighing the carriage alone.

Sec. 6. The Supervisor shall superintend the opening and keeping in repair the streets and alleys within the limits of the city; he shall cause to be removed or abated all nuisances which may at any time be found within the limits of the city, and cause all obstructions in the streets and alleys to be removed, and to do and perform all such other duties as may be required of him by ordinance.

Sec. 7. It shall be the duty of the Sexton to dig without delay all graves in the burying ground, on application; to attend to every interment and to fill up the graves immediately after depositing the coffin; to keep the fences and grounds in order and register the names and ages of all persons interred therein and the place of their interment, and make a return thereof to the city Council every six months or oftener if required. The Sexton shall be allowed for each citizen under ten years of age, one dollar; and for each over ten years of age, one dollar and fifty cents, to be paid by the person making application, and when the ground is frozen a reasonable compensation for additional labor; and for each person who is not a citizen the additional sum of three dollars for the use of the city to be paid to the Sexton before the digging of the grave; and every person other than the Sexton, who shall dig any grave in the burying ground or take up any body without permission of the Mayor, or destroy or injure any tree or shrubbery therein, shall for each offence forfeit and pay the sum of ten dollars.

Sec. 8. The city Marshall and Treasurer shall each, before entering upon the duties of his office, give bond in such penalty and with such security, as the city Council shall direct—conditioned for the faithful performance of the duties of his office; and shall renew the same whenever required by the city Council, and take and subscribe before the Mayor on oath, for the faithful performance of the duties of his office, which bonds and oaths shall be filed with the Clerk.

ART. 4.—REVENUE.

Sec. 1. All property real and personal shall be subject to taxation according to the value thereof as ascertained by the assessment for State and County purpo-

ses—and the city Council shall annually, previous to the 1st Monday of September, in each year, determine the rate of taxation.

Sec. 2. That mode of assessment and collection shall be adopted which is provided in the ninth Section of the Act of the Legislature, entitled "An act to incorporate towns & cities," approved Feb. 10, 1849;—and the rate of taxation authorized by the city Council shall be certified by the Mayor and Clerk and filed in the office of the Clerk of the Cass County Court, on or before the 1st Monday of September in each year.

Sec. 3. All monies received by any officer of the city, except for fees, shall be by him paid over to the Treasurer, and he shall take duplicate receipts therefor, and deliver one of said receipts to the Clerk, who shall keep the same, and a brief record thereof in a suitable book to be kept for that purpose.

Sec. 4. No order on the Treasury shall be attested by the Clerk, unless the same shall be in accordance with the records of the city Council, as entered in the journal of their proceedings; and the Clerk shall enter in said journal the time of attesting said orders respectively, and number the same in the order issued and deliver the Treasurer a statement thereof monthly, and on the receipt of any order they are to be cancelled, but be kept by the Treasurer until destroyed in the presence of the city Council.

Sec. 5. The city officers, whose compensation is not herein provided for, shall receive as compensation such sum as may be determined by the city Council.

ART. 5.—STREETS & ALLEYS, &c.

Sec. 1. For the purpose of keeping the streets and alleys in repairs, every male inhabitant of said city, between the ages of twenty-one and fifty years, shall be required to labor, three days, on the Streets and alleys in the Ward in which he shall reside on the 1st Monday of May, in each year, under the direction of the Supervisor, or pay the sum of Seventy-five cents per day in lieu of such labor.

Sec. 2. No Supervisor shall hire persons to work, or contract for any work to be performed, to be paid out of the Treasury, except by order of the city Council.

Sec. 3. The Supervisor shall on the 1st Monday of May annually, or as soon thereafter as may be, proceed to the opening and repairing such of the streets and alleys as may require the same, and shall notify so many persons as he may deem necessary to perform the labor required, to attend at such time and place and with such implements as he may designate, which notice shall be three days previous to the day on which the laborers are required to meet.

The Supervisor shall provide a book in which he shall set down the persons so notified, and the date of the notification, and if any person notified, shall prefer paying the money at the rate of seventy-five cents per day, the Supervisor shall note such fact in his book. The Supervisor shall from time to time, deliver to the Treasurer lists of the names of those who prefer paying money, and of those who on being notified neglect or refuse to work to the city Council.

Sec. 4. The Treasurer shall deliver from time to time to the Marshall a list of the persons electing to pay money, and neglecting or refusing to work, with the amount of tax at the rate of Seventy-five cents per day, and the city Marshall shall proceed to collect the same and pay it over to the Treasurer. If there shall be a failure or neglect to pay, such person failing or neglecting shall be liable to an action for the same, and the city Marshall shall proceed to collect the same by suit, as in other cases of forfeitures or fines.

Sec. 5 The Supervisor shall require every person performing street labor to work with reasonable dilligence ten hours on each day, or make up the deficiency of time some other day named by the Supervisor; and if any person shall refuse to make up such deficiency of time, he shall forfeit and pay the sum of Twenty-five cents for every hour of time of such deficiency; and if any person being at work on the streets or alleys shall refuse to execute work in the manner directed by the Supervisor, such person shall forfeit and pay the sum of one dollar and fifty cents.

Sec. 6. The Supervisor shall from time to time cause all basins and holes in which water accumulates, liable to become stagnant, to be filled up and channels so made as to drain the water from such places, and from private property at the expense of the owner. He shall also cause to be removed all such things found with-

in the limits of the city, which according to the ordinances of the city are required to be removed; and prosecute all persons who at any time violate the laws of the city in relation to streets and alleys, nuisances, and the public square.

Sec. 7. The ordinances relating to the repairing and cleaning the streets and alleys and to their being obstructed by any person and in any manner, are extended and made applicable to the public square—and the like penalties shall be imposed on persons for throwing or depositing any thing on the square, which is prohibited from being thrown in the streets.

Sec. 8. The owners, their tenants or agents shall be permitted to make side-walks in front of their lots, according to the grade to be established, which side-walks shall be 10 feet wide on Main Street, from block One downwards, and from block 16 upwards 8 feet wide, and also on all other streets 8 feet wide, and the owner or tenant shall be permitted, if it is required for the purpose of carrying on his trade or profession, to use on a 10 feet side-walk 3 feet and on a 8 feet side-walk 2 feet thereof for his benefit,—provided, such number of feet so excepted, shall be used either close to the house or lot, or on the street side of such side-walk, one-half of the reasonable and fair costs of constructing side-walks as aforesaid, either of good brick or plank, not less than one inch & a half thick, meeting the approbation of the city Council, may be paid out of the city Treasury on application.

Sec. 9. Any person who shall deposite in any of the streets or alleys of the city any manure, or filth of any kind, taken from stables, barns or other places, or permit the same to remain therein, shall forfeit and pay not less than one dollar, nor more than five dollars for each and every offence.

Sec. 10. Any owner or occupier of a cellar, the door of which shall open upon any street or alley, who shall permit the door to remain open in the night time in whole or part, shall forfeit and pay the sum of not less than three nor more than ten dollars.

Sec. 11. Any person who shall remove or in any manner injure any post or mark intended to designate the boundaries of the city, or of any street, alley or lot, or shall destroy or injure any fruit, shade or ornamental tree within the limits of the city shall forfeit and pay for each offence, the sum of five dollars.

Sec. 12. Any person or persons who shall deposite or cause to be deposited in any of the streets or alleys or side-walks within the limits of the city any timbers, wood, rails, posts, lumber or materials of any description whatever and suffer the same or any part thereof to remain for a longer period than three days after he or they have been warned to remove it by the Supervisor, shall forfeit and pay the sum of one dollar, and shall forfeit and pay the like sum of one dollar for every twenty-four hours the same shall continue therein after the expiration of the said term of three days. Provided, that persons engaged in building or making pavements, may, upon permission of the Mayor or Supervisor, deposit the materials of such building or pavement in any street or alley, for a reasonable time, but no permission shall authorize any person to fill up any channel or gutter made for the passage of water, or to occupy more than half the street.

Sec. 13. Any person who shall obstruct the side-walks in said city, or any part of them, except as provided in the 12th Section, or obstruct any water-gutters, shall for each offence, forfeit and pay a penalty of not less than one dollar nor more than ten dollars.

Sec. 14. Any person who shall intentionally or negligently ride, drive or lead any horse or mule, cow, ass, or cattle, or run any wheeled carriage, on or over any side-walk in the city, or over or upon any unfinished pavement or side-walk, while the work is in progress, shall forfeit and pay the sum of two dollars for each offence.

Sec. 15. Any person who shall dig or remove earth from any of the streets or alleys or side-walks in the city, or shall throw or deposite any dirt, chips or other thing thereon, so as to make them uneven, without permission from the Mayor or Supervisor, shall forfeit and pay the sum of three dollars for each offence.

This Ordinance to be in force from and after publication.

Approved, April 25, 1850.

J. A. ARENZ, Mayor.

S. EMMONS, Clerk.

CITY ORDINANCE—NO. IV.

An Ordinance providing for the recovery and appropriation of Fines and Forfeitures and enforcement of Penalties.

SEC. 1. Fines, &c. how recovered—written charge or statement to be filed—form thereof—exception.
SEC. 2. What such charge or statement may include—to be the basis of the suit; summons to issue and form thereof—when to be returned.
3. Summons how served.
4. " " " when defendant absconds or conceals himself, or a non-resident.
5. When and how a capias may be issued—form thereof—bail may be taken and how—further proceedings.
6. Officer charged with process, unless otherwise directed by ordinance, to proceed in same manner as constables—mayor, in issuing process, unless otherwise directed, to proceed as other Justices of the Peace.
7. Execution returned "no property found," a CA. SA. to issue, and how.
8. City officers may be witnesses in prosecutions.
9. Parents, guardians, &c. liable for fines, &c.
10. Fines, &c. to be collected and paid to the Treasurer—to constitute part of general fund of the city.
11. Fines, &c. in what manner to be discharged.

SECTION 1.—BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEARDSTOWN, That in all actions of debt to be commenced within said City, by or before the Mayor in his capacity of Justice of the Peace of said City, against any person for the recovery of any fine or fines, forfeiture or forfeitures, penalty or penalties, for the breach of any ordinance of said City, the person who shall institute or commence such action, or who shall cause the same to be instituted or commenced, or the officer before whom such action is about to be commenced, shall file or cause to be filed with such officer before whom such action is about to be commenced, a written charge or statement against the defendant in the action, which charge or statement shall be, as nearly as circumstances will admit, in the following form to wit:

" A. B. to the City of Beardstown, Dr.
To dollars, for breach of an Ordinance," (here insert the title thereof,) passed the day of A. D. 185 , in this to wit: (here describe the particular breach in the language of the ordinance,) between the day of A. D. 185 , and the day of A. D. 185 ," which said form may and shall be so varied, as to apply to the nature of the offence or breach, or time, place, number of persons joined in the action, &c. as occasion and right and justice of the case may require, without regard to particular form or words: Provided, that no objection to form or words shall be allowed, if such written charge or statement shall substantially set out the nature of the offence charged, so as to give notice to the defendant of the nature of the charge which he is called on to answer.

SECTION. 2.—Be it further ordained, That such written charge or statement, when filed with or by the officer, by or before whom such action is about to be commenced, may include one or more persons, and several offences of a like nature, and constitute the basis or ground work of the action; and the officer by or with whom said written charge or statement is filed, shall forthwith commence an action of debt, on said charge or statement, against the person therein named and charged, in the name of the City of Beardstown, by issuing a summons, (or capias, as the case may be,) directed to the Marshal of the City of Beardstown, or any Constable of the county of Cass; which summons shall be in the following form, as nearly as circumstances will admit, to wit:

STATE OF ILLINOIS, } ss. The People of the State of Illinois,
CASS COUNTY, } To the Marshal of the City of Beardstown, or any Constable of Cass county,—Greeting:

You are hereby commanded to summon A. B. to appear before me, the undersigned, Mayor and Justice of the Peace of said city, at my office on the day of A. D. 185 , at o'clock, M. to answer the complaint of the City of Beardstown, in a plea of debt for a failure to pay said city, a fine, forfeiture, or penalty of dollars, for a breach of an Ordinance of said City, entitled (here insert the title) passed the day of A. D. 185 in this, to wit: (here describe the particular breach in the language of the Ordinance, as set forth in the written charge or statement,) and thereof make due return as the law directs. Given under my hand and seal of said City of Beardstown, this day of A. D. 185 .

[SEAL.] C. D. Mayor and Justice of the Peace of said City.

Which summons may be returnable on any day, (Sundays excepted) within fifteen days and not within five days from its date; but no trial shall be had thereon, unless it shall have been served three days at least before the day set for trial.

Sect. 3.—Be it further ordained, That every summons for breach of any ordinance, issued by the Mayor, shall be served by reading the same in the hearing of the defendant or defendants, if he or they will remain to hear it read; but if he or they refuse to hear such summons read, or absent him or themselves after said summons has been produced to be read, and the contents or objects thereof mentioned to him or them, such offer on the part of the officer in such cases, shall be deemed and taken to be sufficient services of such summons, which facts shall be specially stated by the officer in his return on said summons.

Sect. 4.—Be it further ordained, That when any defendant shall absent or conceal himself, or shall be absent, or a non-resident in said city, the summons aforesaid against such person may be served by leaving a copy thereof at his residence or usual place of abode, with any white person of the family in which he resides, over the age of fifteen years, at least three days before the day set for trial in such summons; but if such person have no house, family, or known place of abode in said city, whereat service of a copy can be made as aforesaid, it shall be lawful for the officer charged with the summons, to stick up a copy of such summons on the front of the Court House in said city, which shall be deemed and taken to be sufficient service of any summons within the meaning of this Ordinance.

Sect. 5.—Be it further ordained, That if any credible person, as agent of said city, shall make oath that there is danger that the debt or claim of said city will be lost, unless the said defendant be held to bail, and shall also state, under oath, the cause of such danger, so as to satisfy the Mayor that there is reason to apprehend such loss, and shall file the written charge or statement required by the first section of this ordinance, it shall be the duty of the Mayor to issue a capias to apprehend such offender, which shall be, as nearly as circumstances will admit, in the following form to wit:

STATE OF ILLINOIS, } ss. The People of the State of Illinois,
CASS COUNTY, } To the Marshal of the City of Beardstown, or any Constable of Cass county,—Greeting:

You are hereby commanded to take the body of A. B. and bring him forthwith before me, the undersigned, Mayor and Justice of the Peace of said City, unless special bail be entered; and if such bail be entered, you will then command him to appear before me, at my office on the day of A. D. 185 , at o'clock, M. to answer the complaint of the city of Beardstown, in a plea of debt, for a failure to pay to said city, a fine, forfeiture or penalty of dollars, for a breach of an ordinance of said City, entitled (here insert the title thereof) passed the day of A. D. 185 , in this, to wit: (here describe the particular breach in the language of the ordinance, and as set forth in the written charge or statement,) and make due return thereof as the law directs. Given under my hand and seal of the said city of Beardstown, this day of A. D. 185 .

C. D. Mayor and

[SEAL] Justice of the Peace of said city.

And in all cases the defendant shall have the right to release his body arrested by virtue of such process by giving special bail to the officer executing the same, which shall be endorsed on the back of the capias, in the following form, as nearly as the case will admit, to wit: "I, E. F. acknowledge myself special bail for the within named A. B. Witness, my hand this day of A. D. 185 , which endorsement shall be signed by one or more sureties to be approved by the officer executing the writ, and the same liabilities shall attach to, and the same proceedings be had against such bail as in similar cases before Justices of the Peace under the laws of this State.

Sect. 6.—Be it further ordained, That the officer who shall execute any writ or other process issued by the Mayor, shall, unless otherwise directed by this or some other ordinance of said City, proceed in the execution of his duty in the same manner as Constables are required to proceed under the laws of this State, and the Mayor in issuing process and on the return thereof, shall, unless otherwise directed by this or some other ordinance of said City, be governed by the laws of this State appertaining to like proceedings before other Justices of the Peace.

Sect. 7.—Be it further ordained, That whenever any execution, in which said City is plaintiff, shall be returned by the officer charged with the service of the same "No property found," the Mayor shall, upon oath being made, as in similar cases before other Justices of the Peace, by any other officer of said City than the officer charged as aforesaid, or by any citizen, issue a ca. sa. or garnishee process under the provision of the laws of this State, and every such officer, for such purpose as well as in cases of capiases, shall be deemed and taken to be the agent of said City.

Sect. 8.—Be it further ordained, That in all prosecutions in behalf of the said City, any officer thereof is hereby made a competent witness, notwithstanding such officer may be entitled to a portion of the fine, forfeiture or penalty sued for, or to a fee from the same.

Sect. 9.—Be it further ordained, That parents, guardians, masters and mistresses respectively, shall be bound for the payment of any fine, forfeiture or penalty assessed against any minor under their respective care or charge, under the provisions of any ordinance of said City, and execution shall issue thereon as in other cases.

Sect 10.—Be it further ordained, That all fines, forfeitures and penalties for breaches of any ordinance of said city shall, as soon as collected or immediately after the next stated meeting of the City Council, be paid to the Treasurer, and the officer paying over the same shall take the Treasurer's receipt therefor; and all such sums shall be considered as a part of the general funds of the City, unless otherwise ordered by resolution, or ordinance of the City Council.

Sect. 11.—Be it further ordained, That all fines, forfeitures and penalties for breaches of any ordinance of said city may be discharged either in money or labor on the public Streets, at the rate of one dollar per day; and in case neither payment nor labor can be obtained, as aforesaid, then such defendant shall go to jail at the rate of two dollars for every 24 hours, until such fine, forfeiture or penalty and costs be discharged.

Approved June 4, 1850.

J. A. ARENZ, Mayor,

S. EMMONS, Clerk.

City Ordinance—No. V.

AN ORDINANCE RELATING TO LICENCE.

SECT. 1.—Be it ordained by the City Council of the City of Beardstown, That no person shall set up any public show, exhibition or entertainment within the limits of said city without a license therefor from the City Council, and every person so offending shall forfeit and pay, for the use of said city, a sum not

exceeding one hundred dollars.

Sect. 2.—Be it further ordained, That no person shall keep any grocery, or hawk or peddle any goods, or sell any goods at auction, within the limits of said city, without a license therefor from the city Council; and every person so offending shall forfeit and pay, for the use of said city, a sum not exceeding one hundred dollars.

Sect. 3.—Be it further ordained, That the city Council, at any meeting thereof, may grant a license, to be signed by the Mayor and Clerk, for any of the foregoing purposes, on application therefor, which application shall specify the business of which a license is desired, and the place where said business is to be carried on; and the applicant shall pay for such license such a sum as the city Council may determine.

Sect. 4.—Be it further ordained, That the Mayor of said city, when said Council is not in session, is hereby authorized, on payment to him of not less than five dollars for the use of said city, to grant a license to any person, for any of said purposes excepting grocery licences, until the next meeting of said city Council; and said sum shall be taken and considered as part payment of the sum to be determined upon by the city Council on granting license.

Approved June 4th, 1850.

J. A. ARENZ, MAYOR.

S. EMMONS, CLERK.

CITY ORDINANCE—NO. VI.

IN RELATION TO THE MARKING OF HOGS AND PIGS.

SECT. 1.—BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEARDSTOWN, That every hog or pig, running at large in any street, alley or uninclosed place of said city, shall be marked by the owner thereof, in such manner, as to be plainly visible; and every person failing or neglecting to mark his hogs or pigs, shall forfeit and pay for the use of said city, for every hog or pig, the sum of one dollar for every 24 hours such hog or pig shall run at large without being marked.

Sect. 2.—Be it further ordained, That every owner of hogs or pigs, is hereby required to adopt some suitable and permanent mark, for the purpose aforesaid, and have such mark recorded by the Clerk of the city Council, paying him Twenty-five cents for such record.

Sect. 3.—Be it further ordained, That the city Marshal is hereby required to take up and confine in a secure pen, or other place provided by him for that purpose, every hog or pig found running at large without being marked, and the owner thereof being unknown to him, and retain the same at least 24 hours, and if not redeemed within that time, the city Marshal within the next 24 hours shall after one day's notice, by posting up two notices of the time and place of sale, sell the same at public auction to the highest and best bidder, for cash, between the hours of 10 and 11 o'clock, in the forenoon; and the said Marshal may employ at his expense, all necessary aid, and any person who shall prevent or attempt to prevent said Marshal, or those employed by him, from performing any of the duties required by this, or any other ordinance, shall forfeit and pay, for the use of said city, not less than $5 nor more than $25 for such offence.

Sect. 4.—Be it further ordained, That if the owner of any such hog or pig shall, within 24 hours after the same is taken up, and before selling, pay to the city Marshal the penalty herein provided, and the fee for taking and keeping the same, such hog or pig shall be restored to the owner, and if not redeemed, sold as provided in the foregoing section.

Sect. 5.—Be it further ordained, That the money received on the sale of any such hog or pig, after deducting the penalty and 50 cents for taking up and keeping, and 25 cents for selling, shall be paid to the owner thereof on application to the city Marshal within three months after such sale; but if no application is made, the balance over and above the Marshal's compensation, shall be paid into the Treasury for the use of the city.

Sect. 6.—Be it further ordained, That the city Marshal in addition to the foregoing fees, is hereby authorized to retain, as fees, one half of all money by him re-

ceived as penalties under this ordinance, and required to pay the balance into the Treasury.

Sect. 7.—Be it further ordained, That if no person shall appear and bid at any sale provided for in this ordinance, it shall be lawful for the city Marshal to appropriate any such hog or pig, to his own use; and such appropriation shall be deemed and taken to be a full discharge of all fees and charges accruing to him.

This ordinance to be in force thirty days after publication.

Approved June 4th, 1850.

J. A. ARENZ, MAYOR.

S. EMMONS, CLERK.

CITY ORDINANCE,—NO. VII.

An ordinance supplementary to ordinance No. 2, to regulate the Police of the City of Beardstown, &c., approved April 5, 1850.

Sect. 1. To prohibit disorderly houses—penalty.
" 2. Disturbing the peace, &c.,—punishment.
" 3. Assault, &c.—penalty.

Sect.1. Be it ordained by theCouncil of the Cityof Beardstown, That no person shall keep or maintain a house or any apartment thereof, for prostitution within the limits of the city; and any person or persons so offending, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than five dollars, and in default of payment of said fine and costs, such person or persons shall be committed to jail for a term not exceeding thirty days.

Sec. 2. Be it further ordained,That no person shall disturb the peace of the city,by crying fire without cause; nor by threatening or challenging to fight, quarrelling or threatening to injure the person or property of another; nor shall cast missiles at the person or property of another injuring or tending to injure the same, nor by casting missiles upon the streets, and every person so offending shall forfeit and pay to the city a fine not exceeding one hundred dollars nor less than one dollar.

3. Be it further ordained, That any person who shall be guilty of an assault, assault and battery, or an affray, shall forfeit and pay a sum not exceeding one hundred dollars nor less than three dollars.

This ordinance to be in force after publication.

Approved July 2, 1850. J. A. ARENZ, MAYOR.

S. EMMONS, Clerk.

CITY ORDINANCE—NO. VIII.

An ordinance supplementary to ordinance No. 5, relating to license approved June 1, 1850.

Sect. 1. Be it ordained by the City Council of the city of Beardstown, That any person who shall not have first taken out a city license, who shall barter, sell or exchange in said city any brandy, wine, rum, whiskey, gin, or any vinous, spirituous or malt liquors to any person or persons by a less quantity than one quart shall for every offence forfeit and pay the city, the sum of ten dollars.

Sec. 2. Any person or persons who having taken out a license to keep a grocery, shall permit gambling therein, or in any house or room belonging thereto, or shall keep a disorderly house, shall forfeit and pay the sum of ten dollars for the first offence, for the second twenty dollars, and upon judgment, for the third offence thirty dollars, and shall forfeit his or their license.

Sec. 3. Any person or persons who having taken out a license to keep a grocery shall sell liquor upon the Sabbath day and permit it to be drunk in his or their

grocery shall forfeit and pay the sum of ten dollars and shall also forfeit his or their license upon the third offence

Sec. 4. Any person or persons who having a license to keep a grocery shall permit obscene or profane conversation, quarreling or fighting in his or their grocery, so as to annoy persons on the streets or sidewalks or so as to disturb the peace or quiet of the neighborhood, shall forfeit and pay the sum of five dollars for every offence ; and every person engaged in making such noise or disturbance, shall forfeit and pay a sum not exceeding fifty dollars nor less than three dollars.

This ordinance to be in force after publication.

Approved, July 2, 1850. J. A. ARENZ, Mayor.

S. Emmons, Clerk.

CITY ORDINANCE—NO. IX.

Miscellaneous Provisions.

Sect. 1. Be it ordained by the City Council of the city of Beardstown, That the Marshall shall arrest any person whom he may find drunk in the streets of the city in any way disturbiug the peace or quiet of the same upon view, and shall commit him to jail until sober,at which time,or as soon as may be, he shall be taken before the Mayor and forfeit and pay a sum not exceeding fifty dollars nor less than one dollar. with the addition of the jailor's fees.

Sec. 2. Be it further ordained, That in all cases where a person is arrested upon view of the offence and brought before the Mayor, no warrant nor actiou of debt, shall be necessary, but the offender may be brought to trial forthwith, unlesss a continuance for cause is granted, in which event the accused shall give bail for his appearance, or be committed—Provided, that in such cases of trial without warrant or action of debt, there shall be made before trial, if demanded by the accused, a specification in writing of the offence charged.

Sec. 3. Be it further ordained, That in all cases of assault--assault and battery, and affrays, in which the offender shall not be arrested on view of the Marshal—the mode of proceeding shall be by complaint on oath and warrant,as in cases before justices, under the criminal code of the State of Illinois.

4. Be it further ordained. That in all cases of violation af the ordinances not provided for by Section 2 and 3 of this ordinance, the penalty, fine, or forfeiture, shall be enforced and collected by action of debt, in manner and form as provided in ordinar ce No. 4.

Sec. 5. Be it further ordained, That whenever in any ordinance any subject matter, party or person, is described or referred to in the singular numbers and any two or more such subject matters, parties or persons are equally within the reason or object of the ordinance, the language shall be so construed as to embrace them; and, if, in like manner, words are used imparting the plural numbers, they shall be held applicable, under like circumstances to any single matter, party or person referred to ; and if the terms of the ordinance refer to males only, they shall be understood in similar cases, to include females also ; Provided, That these rules of construction shall not prevail, if there be any special provision in such ordinance, or any thing in the context or the subject matter thereof, plainly repugnant to such an interpretation.

Sec. 6. Be it further ordained, That a trial by jury, if demanded by the accused shall in all cases be allowed, in which event the amount of the penalty, fine or forfeiture, under the ordinance violated, shall be fixed by the jury. In all cases where a jury is waived. or the accused shall confess the truth of the violation ot the ordinance charged, the amount of the penalty, fine or forfeiture, shall be determined by the Mayor.

This ordinance to be in force after publication.

Approved July. 2, 1850. J. A. ARENZ, Mayor.

S. Emmons, Clerk.

CITY ORDINANCE—[A.]

An Ordinance to prevent the spread of Contagious Diseases.

SEC. 1. Be it ordained by the City Council of the City of Beardstown, That the house situated below Beardstown and known as the "Lippincot house," shall be a Hospital for the reception of all persons, not permanent residents of the city of Beardstown, who shall have the Cholera, Small Pox, Ship Fever, or other contagious disease.

Sec. 2. Be it further ordained, That it shall be the duty of the city authorities, if circumstances require it, to appoint some Superintendant of the Hospital, with suitable medical and other attendants, and pay the expenses attending the same from the City Treasury.

Sec, 3. Be it further ordained, That it shall be the duty of every captain or person having charge of a Steamboat, Canal boat, or other water craft, desirous of landing any person, attacked with the Cholera, Small Pox or other contagious disease, before landing such person, to notify the City Marshall, and shall take such sick person to the Hospital, under the direction of the Marshall.

Sec. 4. It shall be the duty of every captain or person having charge of a Steam boat, Canal boat or other water craft, desirous of landing any emigrant, to notify the City Marshall and, unless his written permission shall be given, shall take such emigrant to the Hospital under the direction of the Marshall. PROVIDED, no person shall be landed under this or the 2d. Section, against his own consent.

Sec. 5. Be it further ordained, That it shall be the duty of the City Marshal, upon receiving notice, from any quarter, that any sick person or emigrant is about to be landed in the city of Beardstown, forthwith to examine in person into the case, and if such sick person exhibits symptoms of Cholera, ship fever, Small Pox or other contagious disease, or if such emigrant shall have been exposed to the contagious influence of any of the diseases above enumerated, it shall be the duty of the City Marshall to require such sick person or emigrant to be taken to the Hospital.

Sec. 6. Be it further ordained, That no person taken to the Hospital, under the provisions of this ordinance, shall leave the same without the written permission of the medical attendant of the Hospital; and the Marshall and Superintendant, are hereby author ized to enforce this Section and to use such means to prevent escape, or compel a return, as may be necessary and proper. Any person violating this Section shall forfeit and pay the sum of twenty-five dollars.

Sec. 7. Be it further ordained, That any captain, or person having charge of a Steamboat, canal boat, or other water craft, who shall violate this ordinance, shall forfeit and pay the sum of fifty dollars.

Sec. 8. Be it further ordained, That the provisions of this ordinance shall be applicable to all persons, bringing any sick person or emigrant to the City of Beardstown by any mode of conveyance by land.

Sec. 9. Be it further ordained, That this ordinance shall be in force from and after its publication; and it is hereby made the duty of the Marshall to furnish as soon as practicable, to every Steam and canal boat, landing at Beardstown, a printed copy thereof.

Approved July 19th, 1850.

J. A. ARENZ, MAYOR.

S. EMMONS, CLERK.

CITY ORDINANCE—NO. X,

AN ORDINANCE FOR THE REMOVAL OF NUISANCES,

Section 1. Be it ordained by the city council of the city of Beardstown, That whenever any lot within the city limits shall become a nuisance, it shall, under the provisions of the 3d Section of the Act entitled "An act to incorporate Towns and Cities," approved Feb. 10, 1849, be so declared by the city council, and the reason or reasons assigned wherefore it is so declared a nuisance.

Sec. 2. When a lot shall be declared a nuisance as aforesaid, the Marshal shall give notice thereof, by the service of a copy of the order of the city council on the owner or his agent, if such is known to the Marshal, and is a resident of the city, and it shall be the duty of such owner or agent, to remove the nuisance by filling up, or altering said lot, so as to remove the causes whereby said lot has been declared a nuisance, as soon as practicable.

Sec. 3. If the owner or agent, shall not after fair and diligent inquiry be known to the city Marshal, or is a non-resident of the city, he shall cause the order of the city council declaring the nuisance, to be published for one week, in the newspaper selected by the city council, and such publication shall be deemed sufficient notice to the owner or owners of said lot, of the order aforesaid.

Sec. 4. If upon notice or publication as aforesaid, the owners or agent shall neglect or refuse, for the period of five days, to remove said nuisance, according to the requisitions of the orders of the city council, the city marshal shall cause the removal of said nuisance at the expense of the city, and report his actings and doings in the premises to the city council, who shall thereupon levy on such lot, a tax of sufficient amount, to pay the expense of the labor of removing said nuisance, and all the costs and expenses therewith connected, and direct the city clerk to certify, with the next annual rate of taxation, to the clerk of the Cass county court the said special tax, under the provisions of the 9th Section of the Act referred to in the 1st section of this ordinance; which special tax shall be collected and paid over, in the same manner as other taxes, to the city Treasurer.

This ordinance to be in force and take effect, from and after its publication.

Approved Sept, 4, 1850.

J. A. ARENZ, MAYOR.

S. Emmons, Clerk.

ORDINANCE NO XI.

AN ORDINANCE SUPPLEMENTARY TO ORDINANCE NO. II. TO PREVENT AND REMOVE NUISANCES.

Sec. 1. Be it ordained by the City Council of the City of Beardstown, That no person shall hereafter put or cause to be put, in any lot, yard, cellar, out-house, street or alley in the City of Beardstown, any decayed or decaying animal or vegetable matter, or other filth, the presence of which, may in any degree, be detrimental to the health of the immediate premises or neighborhood, and the so doing is hereby declared to be a nuisance.

Sec. 2. No person having heretofore placed in any lot, yard, or cellar, out-house, street or alley, in the City of Beardstown, any decayed or decaying animal or vegetable matter or filth, the presence of which may in any degree be detrimental to the health of the immediate premises or neighborhood, shall permit the same to remain for a longer period than twenty-four hours after notice to remove the same shall have been given by the City Marshal, said notice to be either written or verbal, and the neglect or refusal to remove the same upon notice as aforesaid, is hereby declared to be a nuisance. Provided, that if the person notified as aforesaid, shall within twenty-four hours after such notice, by the use of lime or other disinfecting agent, render the place complained of no longer detrimental to health it shall be deemed a removal of the nuisance.

Sec. 3. Any person who shall violate the provisions of section two, either

by the creation of a nuisance, or the neglect or refusal to remove one, after notice, shall be fined in a sum not exceeding Fifty Dollars, to be recovered by action of debt, before the Mayor, and paid into the City Treasury.

Sec. 4. And be it further ordained, That if any person, being the owner of any animal lying or being dead on his own premises or elsewhere, within the corporate limits of the City of Beardstown, shall neglect to remove such dead animal beyond said limits, within two hours after the existence of such fact shall be in any manner brought to his knowledge, such person so offending, shall forfeit and pay a penalty of not less than One nor more than Five Dollars for each offence.

Sec. 5. If the owner of any dead animal, lying within the corporate limits, shall neglect to comply with the requisitions of the next foregoing section of this ordinance, or if no owner can be found, it shall be the duty of the City Marshal, to cause such dead animal to be removed beyond the corporate limits, and for such services he shall receive from time to time such sums from the City Treasury, as the City Council may allow.

Sec. 6. And it is hereby made the special duty of of the Marshal to enforce this ordinance, and in every case of its violation to prosecute the offender.

This ordinance to be in force from and after publication.

Approved Sept. 4, 1850.

J. A. ARENZ, MAYOR.

S. Emmons, Clerk.

ORDINANCE NO. XII.

An Ordinance supplementary to Ordinance No. 2—"To regulate the Police of the City of Beardstown, &c.

SEC. 1. Be it ordained by the City Council of the City of Beardstown, That any person who shall, by threats, profane swearing, vulgar language, by shouting, firing guns, pistols, fire-crackers, or by any disorderly conduct, wilfully interrupt or disturb any congregation or collection of citizens assembled together at any show lecture, concert, or other public entertainment, licensed or permitted by law, or assembled for any purpose not inconsistent with the ordinances of the city, or the laws of the land, shall be fined in a sum not less than one dollar, nor more than fifty dollars.

Sec. 2. Be it further ordained, That it shall be the duty of the City Marshal, either in person, or by some constable or constables to be by him selected, to attend at any public show, lecture, concert, or other public entertainment licensed or permitted by the city authorities, on the application of those interested in getting up the public assemblage, for the purpose of preserving order, and the enforcement of the provisions of this ordinance.

Sec. 3. The City Marshal and those employed by him as aforesaid, are hereby directed and authorized, to arrest on view, any person violating any of the provisions of this ordinance. If the arrest be made at night, or if for any other reason, the trial cannot be had forthwith, it shall be the duty of the officers making the arrest to keep the offenders in custody by confinement in the county jail, or otherwise until such time as a trial can be had before the Mayor, Provided, That if any boy under the age of twelve years, shall be arrested at night, he may be surrendered to the parent or guardian of such boy, upon the execution of a bond for the appearance of the offenders for trial at the Mayor's office, at such time as the said officer may appoint.

Sec. 4. The Marshal shall be authorized to demand and receive from the person or persons employing him, a sum not exceeding one dollar and a half for each show, entertainment, or meeting at which he may attend as aforesaid, for the preservation of order, and each constable the sum of one dollar. The fees for other services rendered shall be the same as are allowed for similar services under other ordinances. Approved, Dec 18, 1850.

J. A. ARENZ, MAYOR.

S. Emmons, Clerk.

☞This ordinance to be in force from and after its publication.

ORDINANCE—NO XIV.

To fix the time of holding Elections.

Be it ordained by the City Council of the City of Beardstown, that on the third Monday of February next, and annually thereafter, an election shall be held for one Mayor, one City Marshal—and one Alderman in each Ward, which election, shall be conducted in the manner prescribed in Ordinance No. 3.

This ordinance to be in force from and after its publication.

Approved, Jan. 7, 1851. J. A. ARENZ, Mayor.

S. Emmons, Clerk.

City officers for the year, ending February, 1851.

JOHN A. ARENZ, Mayor,

E. S. HOUGHTON, *Marshal.*

ALDERMEN FOR THE FIRST WARD.

THOMAS EYRE,
JESSE RIGGINS.

JOHN MC'DONALD, } Second Ward.
JOSEPH STEHLEIN, }

GEORGE GENTHER, } Third Ward.
JACOB RITCHIE. }

T. A. HOFFMAN, Treasurer.

H. E. DUMMER, City Attorney.

WM. S. CLEMMONS, SEXTON.

S. EMMONS, Clerk.

Charter of the City

of Indianapolis

1853

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